

some way, after the reasons and grounds of the judgment of the court had been fully explained and made known. Instead of the parties being obliged to bring all the facts and circumstances of their case at once before the court, they would be continually tempted to withhold some particulars, expressly with a view to have it reconsidered and amended in those points where they saw, from the opinion of the court, that the law pressed most against them. Such a course of proceeding would open a door to the greatest frauds, and could not but be attended with the most grievous expense and delay. Therefore as these claims have been adjudicated upon, in the manner and upon the grounds on which they had been advisedly and deliberately presented for decision, I deem it improper now to suffer them to be again brought before the court in a new shape, on different principles, and other proofs.

Whereupon it is ordered, that these petitions be and the same are hereby dismissed with costs.

From this order as well as that of the 22d of March there was an appeal, and on the 6th December 1831 the appeals were dismissed with costs.

FENWICK v. LAUGHLIN.

Where, on a bill by a mortgagee against the heirs of a deceased mortgagor, the mortgaged estate had been sold to pay the mortgage debt, leaving a surplus; other creditors of the deceased were allowed to come in, on the ground of the insufficiency of the deceased's personal estate; considering the surplus as a *residuum* of the real assets which had been taken from the hands of the heirs; and to have the case thenceforth considered and treated as a creditors' suit.

This bill was filed, on the 20th of April, 1827, by *Martin Fenwick* and *Francis Bird*, against *William Laughlin* and *Jonathan Hawkins*, to foreclose a mortgage of real estate given by the late *Jonathan N. Laughlin*, the ancestor of the defendants, to the plaintiffs. The defendants put in their answers, admitting the facts as stated in the bill; upon which, on the 22d of May, 1827, it was decreed, that the mortgaged property be sold. And the trustee having reported, that he had made a sale accordingly, it was ordered as usual, that the sale be ratified unless cause be shewn. And no cause being shewn, the sale was finally ratified on the 9th of July 1828.